

trict or political subdivision thereof, which bonds participate in the County and Road District Highway Fund, into one or more series of refunding bonds and may provide that the eligibility of the bonds being refunded shall be distributed among the various series of refunding bonds in such amounts, or none, as may be agreed upon; provided that the eligibility, in dollars and cents, of bonds whose owners do not agree to such distribution shall not be affected thereby, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, April 9, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had Senate Bills Nos. 41, 301 and 365 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 12, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 16 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

#### FIFTY-SEVENTH DAY.

(Tuesday, April 13, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin.	Isbell.
Beck.	Lemens.
Brownlee.	Moore.
Burns.	Neal.
Collie.	Nelson.
Cotten.	Newton.
Davis.	Oneal.
Head.	Pace.
Hill.	Rawlings.
Holbrook.	Redditt.

Roberts.	Van Zandt.
Shivers.	Weinert.
Small.	Westerfeld.
Spears.	Winfield.
Stone.	Woodruff.
Sulak.	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Lemens.

#### Reports of Standing Committees.

Reports on Senate Bills Nos. 204, 274, 142, 141, 159, 203, 465, 84 and 335, and on House Bills Nos. 847, 1009, 615, 627, 896, and 1028, were submitted by the chairmen of the several committees to which they were referred.

#### Senate Bill No. 468 on First Reading.

Senator Sulak moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25.

Aikin.	Newton.
Brownlee.	Oneal.
Burns.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Hill.	Small.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Weinert.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

#### Absent.

Beck.	Spears.
Head.	Van Zandt.
Shivers.	Westerfeld.

The following bill was then introduced, read first time, and referred by the President to the Committee on Civil Jurisprudence:

By Senator Sulak:

S. B. No. 468, A bill to be entitled "An Act declaring to be an unlawful

monopoly and its purposes to be in restraint of trade, any combination of persons, firms or corporations which determines the amount of money to be paid to it or to its members for the privilege of rendering publicly for profit copyrighted vocal or instrumental musical compositions, when such combination is composed of a substantial number of all musical composition copyright owners or their heirs, successors or assigns; requiring the composer, author, or publisher of vocal or instrumental copyrighted musical compositions, to act independently of any combination as herein declared unlawful, and to independently determine and specify upon the musical composition the selling price thereof; declaring that any purchaser thereof, who pays such price therefor, shall have the right to render such music publicly for profit; declaring all existing agreements exacting pay for the rendition of copyrighted musical compositions publicly for profit made with any combination of persons, firms or corporations herein declared unlawful, to be void and non-enforceable, and the purchaser, or his vendee, of such copyrighted music may render the same publicly for profit without interference by such unlawful combination; providing penalties for the violation hereof; empowering the county attorneys, and the Attorney General, upon complaint of any party aggrieved by any violation hereof to proceed to enforce the penalties hereof against any representative or the property of said unlawful combination; defining the method of service of process upon such combination as herein declared illegal; empowering any party aggrieved by any violation hereof to proceed in his own right to enforce the provisions hereof to recover damages for any injury sustained and to recover costs, expenses, and attorneys fees; providing that any part of this Act declared illegal shall not affect the validity of the remaining parts hereof, and declaring an emergency."

#### Motion to Suspend Rule.

Senator Davis moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit

the introduction at this time of a bill, the provisions of which he explained.

The motion was lost by the following vote (not receiving the necessary vote of four-fifths of the Members of the Senate):

#### Yeas—23.

Aikin.	Newton.
Brownlee.	Oneal.
Collie.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
Head.	Roberts.
Holbrook.	Shivers.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Winfield.
Nelson.	

#### Nays—1.

Woodruff.

#### Absent.

Beck.	Spears.
Burns.	Stone.
Hill.	Westerfeld.
Small.	

#### Senate Bills on First Reading.

The following (local) bills, were introduced, read first time, and referred by the President to the committees indicated:

By Senator Nelson:

S. B. No. 469, A bill to be entitled "An Act creating a Special Road Law for Motley County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of January 11, 1937, by the issuance of funding bonds, and setting forth the method of operation; providing that the General Laws pertaining to roads and bridges shall be applicable to said county, when not in conflict with the provisions hereof; repealing all laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

Referred to Committee on State Highways and Motor Traffic.

By Senator Nelson:

S. B. No. 470, A bill to be entitled "An Act to fix the maximum rate of

tax to be levied for school purposes in all independent school districts which include within their limits a city or town which, according to the latest Federal Census, had a population of not fewer than thirteen thousand seven hundred (13,700), and not more than thirteen thousand eight hundred (13,800) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

Referred to Committee on Educational Affairs.

By Senator Spears:

S. B. No. 471, A bill to be entitled "An Act empowering and authorizing cities and towns in the State of Texas having a population in excess of 230,000 and not exceeding 232,000, according to the last preceding or any future Federal Census, to enact ordinances governing operation of all motor vehicles upon the public thoroughfares of such cities; providing that said ordinances may require testing and inspecting such motor vehicles at stated times and approval by the testing and inspecting authorities, including the State Highway Patrol; providing certain exceptions thereto; permitting the fixing of penalties for violating said ordinances; authorizing city patrolmen and State Highway patrolmen in uniform to issue traffic tickets for violations of said ordinances; authorizing such cities to acquire, establish, erect, equip, improve, enlarge, repair, operate, and maintain motor vehicle testing stations to prescribe and collect a fee for such tests and for the disposition of such fees; authorizing said cities to mortgage or encumber said stations to borrow money and issue warrants to finance said stations and to pledge said fees and receipts for payment of said indebtedness; providing a saving clause; repealing all conflicting laws, and declaring an emergency."

Referred to Committee on State Highways and Motor Traffic.

By Senator Van Zandt:

S. B. No. 472, A bill to be entitled "An Act amending Article 1645 as amended of the Revised Civil Statutes of 1925 so as to permit the county auditor in certain counties to

act as purchasing agent therein on order of the commissioners court, fixing his compensation therefor, providing for the payment thereof, and declaring an emergency."

Referred to Committee on Counties and County Boundaries:

#### Relative to Night Session.

Senator Lemens moved that the Senate meet tonight to consider local and non-contested bills.

The motion prevailed.

#### Senate Bill No. 211 Set as Special Order.

Senator Cotten moved that S. B. No. 211 be set as a special order for next Monday, April 19, 1937, immediately after conclusion of the morning call on that day.

The motion prevailed by the following vote:

Yeas—19.

Burns.	Oneal.
Collie.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
Head.	Shivers.
Isbell.	Small.
Lemens.	Stone.
Moore.	Van Zandt.
Neal.	Winfield.
Newton.	

Nays—8.

Aikin.	Roberts.
Brownlee.	Sulak.
Hill.	Weinert.
Holbrook.	Woodruff.

Absent.

Beck.	Spears.
Nelson.	Westerfeld.

#### Senate Bill No. 7 Set as Special Order.

Senator Holbrook moved that S. B. No. 7 be set as a special order for next Monday, April 19, 1937, immediately after conclusion of the morning call on that day.

The motion prevailed by the following vote:

Yeas—19.

Brownlee.	Head.
Burns.	Hill.
Davis.	Holbrook.

Isbell.	Roberts.
Moore.	Shivers.
Neal.	Small.
Newton.	Stone.
Pace.	Weinert.
Rawlings.	Winfield.
Redditt.	

Nays—8.

Aikin.	Oneal.
Collie.	Sulak.
Cotten.	Van Zandt.
Lemens.	Woodruff.

Absent.

Beck.	Spears.
Nelson.	Westerfeld.

#### Motion to Set Senate Bill No. 263 as Special Order.

Senator Burns moved that S. B. No. 263 be set as a special order for next Monday, April 19, 1937, immediately after conclusion of the morning call on that day.

The motion was lost by the following vote:

Yeas—10.

Burns.	Small.
Collie.	Stone.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Redditt.	Woodruff.

Nays—19.

Aikin.	Oneal.
Brownlee.	Pace.
Cotten.	Rawlings.
Davis.	Roberts.
Hill.	Shivers.
Lemens.	Spears.
Moore.	Sulak.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	

Absent.

Beck.	Head.
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#### Motion to Set Senate Bill No. 173 as Special Order.

Senator Hill moved that S. B. No. 173 be set as a special order for next Monday, April 19, 1937, immediately after conclusion of the morning call on that day.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—14.

Cotten.	Rawlings.
Hill.	Shivers.
Isbell.	Spears.
Lemens.	Van Zandt.
Moore.	Westerfeld.
Newton.	Winfield.
Oneal.	Woodruff.

Nays—13.

Aikin.	Redditt.
Brownlee.	Roberts.
Collie.	Small.
Davis.	Stone.
Holbrook.	Sulak.
Nelson.	Weinert.
Pace.	

Absent.

Beck.	Head.
Burns.	Neal.

#### Minority Report on Senate Joint Resolution No. 1.

Senator Oneal called up, for consideration at this time, the motion to substitute the minority report on S. J. R. No. 1 for the majority report, the motion having been made and spread on the Journal on Friday, April 2, 1937.

The motion prevailed by the following vote:

Yeas—19.

Aikin.	Pace.
Burns.	Rawlings.
Collie.	Shivers.
Cotten.	Small.
Davis.	Spears.
Hill.	Sulak.
Lemens.	Van Zandt.
Neal.	Westerfeld.
Newton.	Woodruff.
Oneal.	

Nays—9.

Brownlee.	Roberts.
Holbrook.	Stone.
Isbell.	Weinert.
Moore.	Winfield.
Redditt.	

Absent.

Beck.	Nelson.
Head.	

#### Report of Conference Committee on Senate Bill No. 261.

Senator Rawlings submitted the following report of the Free Conference Committee on S. B. No. 261:

Austin, Texas, April 12, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Hon. R. W. Calvert, Speaker of the  
House of Representatives.

Gentlemen: We, your Conference  
Committee appointed to adjust the  
differences between the Senate and  
the House on S. B. No. 261, after  
due consideration, recommend that  
the Free Conference report hereto  
attached be in all things adopted.

Respectfully,

RAWLINGS,  
COLLIE,  
SHIVERS,  
MOORE,  
ROBERTS,

On the part of the Senate.

REED of Dallas,  
KEITH,  
MAYS,  
MANN,  
FARMER,

On the part of the House.

S. B. No. 261.

#### A BILL

to be entitled

An Act amending Section 14, Chap-  
ter 277, Acts of the Regular Ses-  
sion, Forty-second Legislature,  
1931, as amended by the Forty-  
third Legislature, 1933, and de-  
claring an emergency.

Be it enacted by the Legislature of  
the State of Texas:

Section 1. That Section 14, Chap-  
ter 277, Acts of the Regular Ses-  
sion, Forty-second Legislature, as  
amended by the Forty-third Legisla-  
ture be amended to read as follows:

"Sec. 14. (a). The Commission  
shall have the power and authority  
under this Act to hear and determine  
all applications of motor carriers; to  
determine complaints presented, to  
it by such carrier, by any public offi-  
cial, or by any citizen having an in-  
terest in the subject matter of the  
complaint, or it may institute and  
investigate any matter pertaining to  
motor carriers upon its own motion.  
The Commission, or any member  
thereof, or authorized representative  
or Examiner of the Commission,  
shall have power to compel the at-  
tendance of witnesses, swear wit-  
nesses, take their testimony under  
oath, make record thereof, and if  
such record is made under the di-

rection of a Commissioner, or au-  
thorized representative or Examiner  
of the Commission, a majority of  
the Commission may, upon the rec-  
ord, render judgment as if the case  
had been heard before a majority of  
the members of the Commission.  
The Commission shall have the  
power and authority under this Act  
to do and perform all necessary  
things to carry out the purpose, in-  
tent, and provisions of this Act,  
whether herein specifically men-  
tioned or not, and to that end may  
hold hearings at any place in Texas  
which it may designate.

"(b). To expedite the hearing  
and disposition of applications, the  
Examiner or authorized representa-  
tive of the Commission shall have au-  
thority under orders of the Commis-  
sion to hear applications which may  
be assigned to him by the Commis-  
sion; after the hearing of an appli-  
cation has been concluded by such  
representative or Examiner, it shall  
be his duty promptly to make a  
written report to the Commission  
recommending disposition of said  
application. Such report and recom-  
mendation shall be accompanied by  
a brief narrative statement of the  
evidence, and shall contain such  
other information as such repre-  
sentative or Examiner may think ad-  
visable, or as may be required by  
the Commission. Unless required by  
the Commission, it shall not be  
necessary for the reporter to tran-  
scribe said evidence in full, but it  
shall be sufficient to make a brief  
narrative statement giving the cor-  
rect summary of such evidence; pro-  
vided, however, the Commission shall  
have the authority to require said  
evidence, or any part thereof, to be  
transcribed in full if deemed advis-  
able or necessary."

Sec. 2. The fact that the number  
of applications being filed before  
the Railroad Commission is con-  
stantly increasing, and the further  
fact that the regulation of other  
forms of transportation placed under  
the jurisdiction of the Railroad  
Commission has greatly increased  
the duties of the Commission, and  
the further fact that the present law  
makes provision for Examiners to  
assist the Commission, create an  
emergency and an imperative public  
necessity requiring the suspension of

the Constitutional Rule requiring all bills to be read on three several days in each House, and the Constitutional rule requiring all bills to take effect and go into force ninety days after adjournment of the session, and said rules are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, April 13, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Conference Committee report on S. B. No. 337 by a vote of 124 yeas, 2 nays.

The House has adopted the Conference Committee report on S. C. R. No. 1 by a vote of 125 yeas, 0 nays.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Free Conference Committee on House Bill No. 130.

The President announced the appointment of the following Free Conference Committee on the part of the Senate, on H. B. No. 130:

Senators Stone, Lemens, Oneal, Weinert and Brownlee.

#### Bills Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

S. B. No. 343, "An Act to amend Section 14 of Chapter 282, S. B. No. 82, Acts of the Regular Session, Forty-first Legislature; to amend Sections 4, 5, 7, 8 and 18, Chapter 282, S. B. No. 82, Acts of the Regular Session, Forty-first Legislature, as amended by Chapter 174, S. B. No. 279, Acts of the Regular Session of the Forty-second Legislature; to repeal Section 6 of Chapter 282, S. B. No. 82, Acts of the Regular Ses-

sion, Forty-first Legislature, as amended by Chapter 174, S. B. No. 279, Acts of the Regular Session of the Forty-second Legislature; providing for the public sale of oil and gas in and on University lands by the board for, lease of University lands and providing for the expense of said sales; validating lease extension contracts heretofore made; and declaring an emergency."

S. B. No. 337, "An Act making an appropriation to pay the increase of salaries to district judges as authorized by H. B. No. 10, Acts of the Regular Session of the Forty-fifth Legislature, and providing for method of payment of such salaries, etc."

#### Senate Joint Resolution No. 5 on Engrossment.

The President laid before the Senate, as unfinished business on its passage to engrossment (the resolution having been read second time on Wednesday, April 7, 1937):

S. J. R. No. 5, Proposing an Amendment of Section 51b of Article III of the Constitution of the State of Texas so as to require the Legislature to provide for a system of Old Age Pension and/or Assistance to actual bona fide residents of the State of Texas, over the age of sixty-five years, excluding therefrom habitual criminals, habitual drunkards and inmates of a state supported institution; providing for the length of time of actual residence by applicants within the State of Texas; etc.

With the following amendment by Senator Sulak and the following substitute by Senator Small for the amendment pending:

#### Amendment by Senator Sulak.

Amend S. J. R. No. 5 by striking out all of Section 1, beginning with line No. 43, and insert in lieu thereof the following:

"For the purposes of paying Old Age Pension and/or Assistance the Legislature shall levy against all persons, companies, firms, partnerships, corporations, and unincorporated companies or associations engaged in the business of retail sales of tangible personal property, or en-

gaged in the business of conducting places of amusement of any kind and character, a sales tax not to exceed two (2%) per centum of the gross sales so made in the retail trade and of the gross receipts of such places of amusement; provided that the tax shall not be levied as to sales of motor fuel, tobacco and tobacco products, nor as to sales of agricultural products by the actual producer, nor as to sales by organizations for the benefit of charitable religious or educational purposes; provided, further, that the tax as to gross receipts of all places of amusement shall not be levied as to the gross receipts from performances the net proceeds of which go to charitable, religious or educational purposes.

"All such sales taxes so levied and collected shall constitute a special fund or funds and shall never be diverted to any other purposes than the payment of Old Age Pension and/or Assistance, and no greater tax shall be levied than will be sufficient to pay Fifteen (\$15.00) Dollars per month to all persons entitled to such Old Age Pensions and/or Assistance and necessary costs of administration. All funds derived from such tax in excess of necessary costs of administration shall be distributed prorata to the aged of this State who meet the foregoing requirements without regard to the previous standard of living of the applicant and without regard to income or other restrictions than those herein specifically provided. The Legislature shall forthwith enact laws necessary to carry into effect the provisions of this enactment, and shall set up the machinery to administer said law and shall make such appropriations out of the special fund or funds herein created as are necessary for the administration of the same. There shall never be levied in this State a sales tax or gross receipts tax on the sales herein provided to be taxed other than the one herein provided for, except on spirituous, vinous and malt liquors.

"The term 'retail sale' shall mean the sale or transfer of any goods, wares, merchandise, or tangible personal property for a valuable consideration within this State when such transfer is made by one in the ordi-

nary course of his business and the sale is made for consumption or use, or for any purpose other than for resale, or for use in processing, manufacturing or industrial enterprises. The term 'retail sale' shall not include the isolated or occasional sale or tangible personal property by a person not engaging in the retail business, nor goods or products sold by the actual producer, nor if the thing sold is purchased for resale by the buyer in the ordinary course of his business, nor if it is to be used or consumed by a manufacturing, industrial or processing business in creating other goods, wares, merchandise or services for sale to the public. Conditional sales are included within this definition when in other respects such sales meet the test of a retail sale. No political subdivision of this State shall have authority to levy any occupation tax by virtue of this amendment.

"The retail sales tax hereby levied shall be paid by the buyers at such retail sales but shall be collected by the sellers at such retail sales under the terms and in the manner as may hereafter be provided for by the Legislature."

Substitute by Senator Small.

Amend S. J. R. No. 5 by striking out below the resolving clause and inserting in lieu thereof the following:

Section 1. That Section 51-b of Article III of the Constitution of the State of Texas be so amended as to hereafter read as follows:

Sec. 51-b. (1) The Legislature shall have power by general laws to provide, under such limitations, restrictions and regulations as may be deemed expedient by the Legislature, for financial assistance not to exceed Fifteen (\$15.00) Dollars per month to needy individuals over the age of sixty-five (65) years, to needy individuals who are blind, to needy individuals who are unfit for employment due to disease, and to provide dependent children, and to provide reasonable facilities for promoting and protecting the health of needy mothers and children, including adequate medical, surgical and corrective services and care for crippled children. No such financial assist-

ance shall be granted to an habitual criminal, habitual drunkard or to an inmate of any State supported institution, and such assistance shall be confined to actual bona fide citizens of Texas who have resided in this State for as many as five years during the nine years immediately preceding the grant of assistance and continuously for one year immediately preceding such grant, provided the Legislature may impose such requirements as to residence and citizenship of dependent mothers and children as may by it seem proper.

(2) To provide revenue with which to discharge the functions authorized herein the Legislature may accept financial aid from the United States Government and shall levy and cause to be collected a tax on retail sales not to exceed two (2%) per cent of the gross amounts thereof. The term "retail sale" shall mean the sale or transfer of any goods, wares, merchandise, or tangible personal property for a valuable consideration when such transfer is made by one in the ordinary course of his business to the ultimate consumer for consumption or use, or for any purpose other than for resale, or use in processing, or manufacturing, or for use by the United States Government, the State of Texas, or any political subdivision thereof. The term "retail sale" shall not include isolated or occasional sales of tangible property made by a person not engaged in the retail business nor to the sale of agricultural, dairy or livestock products when sold by the actual producer, nor to sales comprising a business upon which occupation privilege or gross receipt taxes are now authorized by law. All revenue derived from such sales tax authorized herein shall be collected and placed in a special fund or funds and used solely for the purpose of discharging the functions herein authorized, and the power to levy additional taxes on retail sales or to provide additional revenue for such functions is expressly withdrawn.

Sec. 2. That Section 9 of Article VIII of the Constitution of Texas be amended so as hereafter to read as follows:

Sec. 9. The State tax on property shall be restricted to the tax neces-

sary to pay the public debt, to provide aid for Confederate soldiers and sailors and their widows, taxes provided for the benefit of public free schools, as well as taxes heretofore diverted, relinquished or remitted to counties which taxes shall be levied, assessed and collected annually during the period of remission or diversion at a rate not to exceed thirty-five cents on the One Hundred Dollars valuation sufficient to meet the purposes for which the diversions or remissions were made by law; and no county, city or town shall levy more than twenty-five cents for city or county purposes, and not exceeding fifteen cents for roads and bridges, and not exceeding fifteen cents to pay jurors, on the One Hundred Dollars valuation, except for the payment of debts incurred prior to the adoption of the amendment September 25, A. D. 1883; and for the erection of public buildings, streets, sewers, waterworks and other permanent improvements, not to exceed twenty-five cents on the One Hundred Dollars valuation in any one year, and except as is in this Constitution otherwise provided; and the Legislature may also authorize an additional annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided that a majority of the qualified property tax paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed fifteen cents on the one hundred dollars valuation of the property subject to taxation in such county. And the Legislature may pass local laws for the maintenance of the public roads and highways, without the local notice required for special or local laws.

Sec. 3. The foregoing Constitutional amendment shall be submitted to the qualified electors of the State of Texas on the fourth Saturday in August, 1937, at which election there shall be printed on such ballot the following words:

"For the Amendment to Section 51-b of Article III of the Constitution giving the Legislature power to provide assistance to persons over the age of sixty-five years, to individuals who are blind, and to needy, dependent children and provide for the pro-



tection of the health of dependent mothers and children, including crippled children; authorize a Sales Tax to provide revenue therefor, and amending Section 9 of Article VIII of the Constitution so as to eliminate the State ad valorem tax on tangible property."

"Against the Amendment to Section 51-b of Article III of the Constitution giving the Legislature power to provide assistance to persons over the age of sixty-five years, to individuals who are blind, and to needy, dependent children and provide for the protection of the health of dependent mothers and children, including crippled children; authorize a Sales Tax to provide revenue therefor, and amending Section 9 of Article VIII of the Constitution so as to eliminate the State ad valorem tax on tangible property."

If it appears from the returns of said election that a majority of the votes cast are in favor of said Amendment the same shall become a part of the State Constitution.

Sec. 4. The Governor shall issue the necessary proclamation for such election and shall have the same published and such election held as provided by the Constitution and the Laws of this State.

Sec. 5. The sum of Five Thousand (\$5,000.00) Dollars or so much thereof as may be necessary, is hereby appropriated out of the funds in the Treasury of the State, not otherwise appropriated, to pay the expenses of such publication and election.

SMALL,  
COLLIE,  
DAVIS,  
NEAL.

(Senator Hill in the Chair.)

Senator Aikin offered the following amendment to the substitute:

Amend Small substitute by striking out Section 2 and insert the following:

"There is hereby levied a severance tax of 6 per cent of the actual market value of all crude oil, at 10 per cent of the actual value of natural gas and 10 per cent of the market value of sulphur, and 10 per cent of the actual market value of carbon black, providing 75 per cent of all the above tax collected shall

be placed in a fund or funds to be used solely to discharge the function herein authorized, and 25 per cent of all the above tax collected shall be placed in the available school fund."

(President in the Chair.)

Question—Shall the amendment to the substitute be adopted?

Pending consideration of the amendment to the substitute, Senator Rawlings occupied the Chair temporarily.

(President in the Chair.)

Recess.

On motion of Senator Shivers, the Senate, at 12:10 o'clock p. m., took recess to 7:30 o'clock p. m. today.

Night Session.

The Senate met at 7:30 o'clock p. m. and was called to order by the President.

House Bill No. 440 on Second Reading.

On motion of Senator Holbrook, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 440, A bill to be entitled "An Act defining certain words and phrases as used herein; regulating and controlling the production, preparation, manufacture, possession, transportation, sale, disposition, and use of cocoa leaves, cocaine, opium, morphine, codeine, heroin, and any compound, manufacture, salt, derivative, mixture, and preparation thereof, or of either of them; providing for licenses to persons manufacturing, compounding, mixing, cultivating, growing, or otherwise producing narcotic drugs and for wholesalers thereof; providing for an annual license fee; providing to whom manufacturer or wholesaler may sell narcotic drugs; official return and orders for such sales; when possession or control of narcotic drugs lawful; limitation on right of designated persons to administer narcotic drugs; providing for sales by pharmacists upon prescription; what prescription to state; preservation and non-refilling of prescription; sale

of stock by legal owner discontinuing dealing in narcotic drugs; sales by pharmacists of solutions containing narcotic drugs; providing for prescription for, or administering, narcotic drugs by physicians or dentist; etc., and providing when this Act shall take effect."

The President laid the bill before the Senate and it was read second time.

Senator Holbrook offered the following amendments to the bill:

(1)

Amend H. B. No. 440, Section 1, subsection 14, by adding after the word "opium," the words "pyote" and "mescal bean."

(2)

Amend H. B. No. 440, by striking out the words "State Board of Health" wherever they appear in the bill, and inserting in lieu thereof the words "Department of Public safety."

The amendments were adopted severally.

The bill was then passed to third reading.

**House Bill No. 440 on Third Reading.**

Senator Holbrook moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 440 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

**House Bill No. 810 on Second Reading.**

On motion of Senator Sulak, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 810, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot, or kill any wild turkey for a period of five years in Austin County, Texas; fixing penalties, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 810 on Third Reading.**

Senator Sulak moved to suspend the constitutional rule requiring bills to be read on three several days and that H. B. No. 810 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin.	Holbrook.
Beck.	Isbell.
Brownlee.	Lemens.
Burns.	Moore.
Collie.	Neal.
Cotten.	Nelson.
Davis.	Newton.
Head.	Oneal.
Hill.	Pace.

Rawlings.	Sulak.
Redditt.	Van Zandt.
Roberts.	Weinert.
Shivers.	Westerfeld.
Small.	Winfield.
Spears.	Woodruff.
Stone.	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

#### Leave of Absence Granted.

Senator Sulak was granted leave of absence for the remainder of today, on account of important business, on motion of Senator Van Zandt.

#### House Bill No. 377 on Second Reading.

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 377, A bill to be entitled "An Act amending Section 6 of Article III of H. B. No. 8, Acts, Forty-fourth Legislature, Third Called Session, exempting from taxation any admission, all proceeds of which inure exclusively to the benefit of State, religious, educational or charitable institutions, organizations, or societies, and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Shivers offered the following amendment to the bill:

Amend H. B. No. 377 by adding after the word "operas," in Section 6, the word "plays."

The amendment was adopted.

The bill was passed to third reading.

#### House Bill No. 377 on Third Reading.

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 377 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

Absent—Excused.

Sulak.

The President laid H. B. No. 377 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

Absent—Excused.

Sulak.

**Senate Bill No. 349 on Second Reading.**

On motion of Senator Westerfeld and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 349, A bill to be entitled "An Act providing and authorizing that any bonds, interest thereon, or similar obligations, issued by any municipality or political division of the State may be made payable at the office of the State Treasurer, and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 349 by adding thereto a new section to be known as Section 4 and reading as follows:

"The State Treasurer shall return to the municipality or political subdivision depositing funds for the payment of interest coupons or the retirement of bonds, all such coupons and bonds as have matured or been retired by purchase, after canceling the same, together with a statement of the account of such municipality or subdivision, showing the amounts received and placed to its credit, the service charges, and the amount of coupons or bonds retired. The State Treasurer shall remit to said municipality or subdivision of the State any balance remaining in his hands more than two years, for which bonds or coupons have not been presented for payment, and thereafter the municipality or subdivision shall pay such coupons or bonds when presented. Any municipality or subdivision shall have the right at any reasonable time to a statement of its account with the State Treasurer."

The amendment was adopted.

The bill was then passed to engrossment.

**Senate Bill No. 349 on Third Reading.**

Senator Westerfeld moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 349

be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Aikin.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Holbrook.	Spears.
Isbell.	Stone.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Woodruff.
Newton.	

Nays—1.

Winfield.

Absent.

Beck.

Hill.

Absent—Excused.

Sulak.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23.

Aikin.	Nelson.
Burns.	Newton.
Brownlee.	Oneal.
Collie.	Pace.
Cotten.	Rawlings.
Davis.	Roberts.
Head.	Small.
Holbrook.	Spears.
Isbell.	Stone.
Lemens.	Van Zandt.
Moore.	Westerfeld.
Neal.	

Nays—4.

Redditt.  
Shivers.

Weinert.  
Winfield.

Absent.

Beck.

Hill.

Absent—Excused.

Sulak.

Woodruff.

**Senate Bill No. 472 on Second Reading.**

Senator Van Zandt moved to suspend the constitutional rule requiring bills to be read on three several days and that S. B. No. 472 be placed on its second reading and passage to engrossment.

The motion prevailed by the following vote:

Yeas—29.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	

Absent—Excused.

Sulak. Woodruff.

The President then laid the bill before the Senate.

On motion of Senator Van Zandt and by unanimous consent, Senate Rule No. 31a and Senate Rule No. 48 were suspended, severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to engrossment.

**Senate Bill No. 472 on Third Reading.**

Senator Van Zandt moved to suspend the constitutional rule requiring bills to be read on three several days and that S. B. No. 472 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin.	Head.
Beck.	Hill.
Brownlee.	Holbrook.
Burns.	Isbell.
Collie.	Lemens.
Cotten.	Moore.
Davis.	Neal.

Nelson.	Small.
Newton.	Spears.
Oneal.	Stone.
Pace.	Van Zandt.
Rawlings.	Weinert.
Redditt.	Westerfeld.
Roberts.	Winfield.
Shivers.	

Absent—Excused.

Sulak. Woodruff.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	

Absent—Excused.

Sulak. Woodruff.

**Senate Bill No. 405 on Second Reading.**

On motion of Senator Stone and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 405, A bill to be entitled "An Act requiring dealers, peddlers and brokers handling or dealing in used oil, gas or pipe line equipment to obtain licenses from the Railroad Commission of the State of Texas; providing for applications, license fees and issuance of such licenses; requiring the keeping of records and filing copies with the sheriffs of the various counties; providing for the renewal of licenses; authorizing the Railroad Commission to refuse to issue and to cancel and forfeit licenses under certain conditions; providing funds collected shall be used to en-

force this Act and any surplus transferred to the General Fund of the State; prohibiting the purchase or receiving of such articles from minors; authorizing the Railroad Commission to prescribe forms, adopt rules and regulations in pursuance of this Act; providing penalties and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

**Senate Bill No. 405 on Third Reading.**

Senator Stone moved to suspend the constitutional rule requiring bills to be read on three several days and that S. B. No. 405 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Brownlee.	Oneal.
Burns.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Small.
Holbrook.	Spears.
Isbell.	Stone.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	

Nays—1.

Aikin.

Absent—Excused.

Beck.	Woodruff.
Sulak.	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26.

Brownlee.	Isbell.
Burns.	Lemens.
Collie.	Moore.
Cotten.	Neal.
Davis.	Nelson.
Head.	Newton.
Hill.	Pace.
Holbrook.	Rawlings.

Redditt.	Stone.
Roberts.	Van Zandt.
Shivers.	Weinert.
Small.	Westerfeld.
Spears.	Winfield.

Nays—1.

Aikin.

Present—Not Voting.

Oneal.

Absent—Excused.

Beck.	Woodruff.
Sulak.	

**House Bill No. 429 on Second Reading.**

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 429, A bill to be entitled "An Act fixing terms of office and providing for election of school trustees in cities constituting Independent School Districts or which have assumed control of their public free schools and having, according to the last preceding Federal Census, a population of not less than 101,000 inhabitants, and not more than 105,000 inhabitants."

The President laid the bill before the Senate.

On motion of Senator Winfield and by unanimous consent, Senate Rules Nos. 31a and 48 were suspended severally, to permit consideration of the bill at this time.

The bill was then read second time and was passed to third reading.

**House Bill No. 429 on Third Reading.**

Senator Winfield moved to suspend the constitutional rule requiring bills to be read on three several days and that H. B. No. 429 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23.

Aikin.	Collie.
Brownlee.	Cotten.
Burns.	Davis.

Head.	Rawlings.
Hill.	Redditt.
Holbrook.	Roberts.
Isbell.	Shivers.
Lemens.	Small.
Moore.	Spears.
Neal.	Stone.
Nelson.	Van Zandt.
Newton.	Weinert.
Oneal.	Westerfeld.
Pace.	Winfield.

Absent—Excused.

Beck.	Woodruff.
Sulak.	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28.

Aikin.	Newton.
Brownlee.	Oneal.
Burns.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Small.
Holbrook.	Spears.
Isbell.	Stone.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Van Zandt.

Absent—Excused.

Beck.	Woodruff.
Sulak.	

#### Senate Bill No. 397 on Second Reading.

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 397, A bill to be entitled "An Act amending Chapter 2, Title of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, 1925, by adding thereto Article 601-A, providing that in all counties having therein a city of one hundred thousand or more population, as shown by the last preceding Federal Census, the judge of the court having jurisdiction of a capital case in which a motion for special

venire has been made, shall grant or refuse such motion at his discretion and upon his refusal to grant same, require the case to be tried by the regular jurors summoned for service and such additional talesman as may be ordered in the courts of such county; etc., and declaring an emergency."

(Senator Rawlings in the chair.)

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to engrossment.

#### Senate Bill No. 397 on Third Reading.

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended, and that S. B. No. 397 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin.	Newton.
Brownlee.	Oneal.
Burns.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Small.
Holbrook.	Spears.
Isbell.	Stone.
Lemens.	Van Zandt.
Moore.	Westerfeld.
Neal.	Weinert.
Nelson.	Winfield.

Absent—Excused.

Beck.	Woodruff.
Sulak.	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28.

Aikin.	Hill.
Brownlee.	Holbrook.
Burns.	Isbell.
Collie.	Lemens.
Cotten.	Moore.
Davis.	Neal.
Head.	Nelson.

Newton.	Small.
Oneal.	Spears.
Pace.	Stone.
Rawlings.	Van Zandt.
Redditt.	Weinert.
Roberts.	Westerfeld.
Shivers.	Winfield.

Absent—Excused.

Beck.	Woodruff.
Sulak.	

**Senate Bill No. 386 on Second Reading.**

On motion of Senator Small, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 386, A bill to be entitled "An Act creating the Panhandle Water Conservation Authority as a body politic and corporate, defining its boundaries, specifying its powers and duties, providing for its officers and the amount and manner of compensating same and their duties and powers; providing for the diversion of certain State ad valorem taxes, and declaring an emergency."

The Presiding Officer laid the bill before the Senate and it was read second time.

Senator Small offered the following (committee) amendment to the bill:

Amend S. B. No. 386 by inserting in the list of counties the counties of "Gray" and "Hall."

The (committee) amendment was adopted.

Senator Small offered the following amendment to the bill:

Amend S. B. No. 386 by striking out all of Section 21 beginning with line 9 on page 10 and add in lieu thereof the following:

The sum of \$3000.00 or so much thereof as is necessary, is hereby appropriated out of any funds in the State Treasury not otherwise appropriated which said sum shall be paid over to the treasurer of said Panhandle Water Conservation Authority when said treasurer shall have been duly selected and has qualified as provided herein."

The amendment was adopted.

Senator Small offered the following amendments to the bill:

(1)

Amend Sec. 22, last line, by striking out the word "condone."

(2)

Amend the caption to conform to all changes in body of the bill.

The amendments were adopted severally.

The bill then was passed to engrossment.

**Senate Bill No. 386 on Third Reading.**

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 386 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin.	Nelson.
Beck.	Newton.
Brownlee.	Oneal.
Burns.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Small.
Holbrook.	Spears.
Isbell.	Stone.
Lemens.	Van Zandt.
Moore.	Westerfeld.
Neal.	Winfield.

Nays—1.

Weinert.

Absent—Excused.

Sulak.

Woodruff.

(President in the Chair.)

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26.

Aikin.	Lemens.
Beck.	Moore.
Brownlee.	Neal.
Burns.	Nelson.
Collie.	Newton.
Cotten.	Oneal.
Davis.	Pace.
Head.	Rawlings.
Holbrook.	Redditt.
Isbell.	Shivers.



Small. Van Zandt.  
Spears. Westerfeld.  
Stone. Winfield.

Nays—3.

Hill. Weinert.  
Roberts.

Absent—Excused.

Sulak. Woodruff.

**Senate Bill No. 229 on Second Reading.**

On motion of Senator Shivers, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 229, A bill to be entitled "An Act to amend Article 4473 of the Revised Civil Statutes of 1925, relating to use of preservatives in food products, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

**Senate Bill No. 229 on Third Reading.**

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 229 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Beck. Newton.  
Brownlee. Oneal.  
Burns. Pace.  
Collie. Rawlings.  
Cotten. Redditt.  
Davis. Roberts.  
Head. Shivers.  
Hill. Small.  
Holbrook. Spears.  
Isbell. Stone.  
Lemens. Van Zandt.  
Moore. Weinert.  
Neal. Westerfeld.  
Nelson. Winfield.

Nays—1.

Aikin.  
Sulak. Absent—Excused.  
Woodruff.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28.

Beck. Newton.  
Brownlee. Oneal.  
Burns. Pace.  
Collie. Rawlings.  
Cotten. Redditt.  
Davis. Roberts.  
Head. Shivers.  
Hill. Small.  
Holbrook. Spears.  
Isbell. Stone.  
Lemens. Van Zandt.  
Moore. Weinert.  
Neal. Westerfeld.  
Nelson. Winfield.

Nays—1.

Aikin.

Absent—Excused.

Sulak. Woodruff.

**Senate Bill No. 455 on Second Reading.**

On motion of Senator Roberts, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 455, A bill to be entitled "An Act validating the detachment of certain territory from Orangedale Common School District No. 23 of Bee County and the annexation of same to the Beeville Independent School District of said county, pursuant to the provisions of Chapter 339, Acts of the 44th Legislature, Regular Session; validating an election held in said Orangedale Common School District No. 23 on the 19th day of December, 1936, to determine whether or not said territory should be detached from said Orangedale Common School District No. 23 and annexed to Beeville Independent School District; validating an order of the County Board of School Trustees of Bee County, Texas, establishing and defining the Beeville Independent School District No. 1; validating an election held on the 3rd day of April, 1937, in Beeville Independent School District No. 1 on the question of the assumption of the outstanding bonds of the former Beeville Independent School District and the proportionate part of the outstanding bonds of Orangedale Common School District No. 23; and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

**Senate Bill No. 455 on Third Reading.**

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 455 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29.**

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	

**Absent—Excused.**

Sulak.	Woodruff.
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29.**

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	

**Absent—Excused.**

Sulak.	Woodruff.
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**Senate Bill No. 141 on Second Reading.**

On motion of Senator Redditt, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 141, A bill to be entitled "An Act making certain emergency appropriations for the office of the Secretary of State, and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Redditt offered the following amendment to the bill:

Amend S. B. No. 141, line 16, Section 1, by striking out "5,000" and substituting in lieu thereof "3,500."

The amendment was adopted.

The bill was passed to engrossment.

**Senate Bill No. 141 on Third Reading.**

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 141 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28.**

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.

**Nays—1.**

Moore.

**Absent—Excused.**

Sulak.	Woodruff.
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.

Nays—1.

Moore.

Absent—Excused.

Sulak. Woodruff.

**Committee Substitute for House Bill No. 47 on Second Reading.**

On motion of Senator Rawlings and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

C. S. for H. B. No. 47, A bill to be entitled "An Act providing for the repeal of Senate Bill No. 294 and known as Chapter 64 at page 152 of the General Laws of the Regular Session of the Forty-fourth Legislature, wherein it was provided that school trustees in independent school districts having within their boundaries a city with a population of not less than 160,000 or more than 220,000, should be elected for a period of six years and providing among other things for the filling of vacancies and the holding of elections; repealing all laws and parts of laws (general or special) in conflict with that Act, and declaring an emergency."

The President laid the substitute bill before the Senate, it was read second time and was passed to third reading.

**Committee Substitute for House Bill No. 47 on Third Reading.**

Senator Rawlings moved that the

constitutional rule requiring bills to be read on three several days be suspended and that C. S. for H. B. No. 47 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	

Absent—Excused.

Sulak. Woodruff.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	

Absent—Excused.

Sulak. Woodruff.

**House Bill No. 525 on Second Reading.**

On motion of Senator Pace and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 525, A bill to be entitled "An Act declaring the purpose of the Legislature in enacting this bill; creating the Texas Home for Colored Orphans and providing for the maintenance of such home at or near Gilmer, Texas, in the county of Upshur, upon a site or tract of land heretofore donated by the Dickson Colored Orphans, Inc., to and accepted by the State of Texas; repealing Sections 2 and 7 of Chapter 21, Acts of the Forty-first Legislature, Third Called Session, and all other laws and parts of laws in so far as they conflict with the provisions of this Act or its purpose to continue the maintenance of a negro orphan's home upon that tract of land donated to the State of Texas located in Gilmer, Upshur County, Texas, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 525 on Third Reading.**

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 525 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29.**

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	

**Absent—Excused.**

Sulak.	Woodruff.
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29.**

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	

**Absent—Excused.**

Sulak.	Woodruff.
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**House Bill No. 132 on Second Reading.**

On motion of Senator Oneal and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 132, A bill to be entitled "An Act amending Section 3 of Article 1108, Chapter 10, Title 28, Revised Civil Statutes of Texas, 1925, as amended by Chapter 207, page 496 of the General and Special Laws passed by the Regular Session of the Forty-fourth Legislature, and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

On motion of Senator Oneal, the bill was tabled subject to call.

**House Bill No. 1029 on Second Reading.**

On motion of Senator Newton and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1029, A bill to be entitled "An Act amending Article 3902 as amended by Acts, 1935, Forty-fourth Legislature, Second Called Session, page 1762, by adding thereto another section to be designated as Section 7, providing that in counties of a population bracket of not less than 39,496 and not more than 40,000 first assistant county attorneys shall

receive a salary of from \$1,620.00 to \$1,920.00 per annum, to be determined by the commissioners' court, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 1029 on Third Reading.**

Senator Newton moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1029 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29.**

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	

**Absent—Excused.**

Sulak. Woodruff.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29.**

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	

**Absent—Excused.**

Sulak. Woodruff.

**House Bill No. 560 on Second Reading.**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 560, A bill to be entitled "An Act increasing the amount that may be allowed by county boards of trustees to the county superintendents of public instruction for expenditures for office and/or traveling expenses in counties with a population of not less than sixteen thousand, six hundred (16,600) and not more than seventeen thousand and sixty (17,060) according to the last preceding Federal Census; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The President laid the bill before the Senate, it was read second time.

Senator Nelson offered the following amendments to the bill:

**(1)**

Amend H. B. No. 560 by inserting in the proper place in Section 1 thereof the following language:

"And in counties with a population of not less than 16,020, and not more than 16,500, according to the last preceding or any future Federal Census."

**(2)**

Amend H. B. No. 560 by inserting in the proper place in Section 1 thereof the following:

"And in counties with a population of not less than 12,360 and not more than 12,420; and in all counties with a population of not less than 13,560 and not more than 13,585; and in all counties with a population of not less than 8,590 and not more than 8,890; and in counties with a population of not less than 9,290 and not more than 9,400; and in all counties with a population of not less than 6,800 and not more than 6,830; and in all counties with a population of not less than 17,445 and not more than 17,465; and in all counties with a population of not

less than 11,000 and not more than 11,050, according to the last preceding Federal Census."

The amendments were adopted severally.

Senator Nelson offered the following amendment to the bill:

Amend the caption to conform with the bill, as amended.

The amendment was adopted.

The bill was passed to third reading.

#### House Bill No. 560 on Third Reading.

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 560 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	

#### Absent—Excused.

Sulak. Woodruff.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Nelson offered the following amendment to the bill:

Amend H. B. No. 560, line 3 of Section One by striking out the figures "16,060" and adding in lieu thereof the figures "17,060."

SMALL,  
NELSON.

The amendment was adopted unanimously.

The bill was then passed by the following vote:

#### Yeas—29.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	

#### Absent—Excused.

Sulak. Woodruff.

#### House Bill No. 896 on Second Reading.

On motion of Senator Neal and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 896. A bill to be entitled "An Act making it unlawful to use any seine, net, gill net, trot line or other mechanical or physical device, except hook and line, for the purpose of fishing within the waters of certain navigation districts in Texas; providing that possession of such devices on the right-of-way or lands or premises of such navigation districts shall constitute prima facie proof of guilt; providing for the punishment of persons violating the provisions hereof, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

#### House Bill No. 896 on Third Reading.

Senator Neal moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 896 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	

## Absent—Excused.

Sulak.	Woodruff.
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	

## Absent—Excused.

Sulak.	Woodruff.
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## House Bill No. 491 on Second Reading.

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 491, A bill to be entitled "An Act to amend Article 1766, Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 24, Chapter 8, Section 1, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

## House Bill No. 491 on Third Reading.

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 491 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	

## Absent—Excused.

Sulak.	Woodruff.
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	

## Absent—Excused.

Sulak.	Woodruff.
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**Senate Bill No. 245 on Second Reading.**

On motion of Senator Isbell, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 245, A bill to be entitled "An Act to amend Article 492 of Chapter 8, Title 16 of the Revised Civil Statutes of Texas, 1925, with respect to state control of banking institutions; providing that corporations organized under such title are declared to be governmental instrumentalities of the state; repealing all laws in conflict; declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

**Senate Bill No. 245 on Third Reading.**

Senator Isbell moved that the constitutional rule requiring bills to be read on three several days be suspended that S. B. No. No. 245 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29.**

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	

**Absent—Excused.**

Sulak. Woodruff.

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—28.**

Aikin.	Brownlee.
Beck.	Burns.

Collie.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
Head.	Roberts.
Holbrook.	Shivers.
Isbell.	Small.
Lemens.	Spears.
Moore.	Stone.
Neal.	Van Zandt.
Nelson.	Weinert.
Newton.	Westerfeld.
Oneal.	Winfield.

**Nays—1.**

Hill.

**Absent—Excused.**

Sulak. Woodruff.

**House Bill No. 596 on Second Reading.**

On motion of Senator Holbrook and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 596, A bill to be entitled "An Act to permit any county containing a population not less than five thousand five hundred (5500) nor more than five thousand eight hundred (5800) according to the last preceding Federal Census to adopt by majority vote of qualified voters of such county a county unit system to the extent provided in this Act; making provisions for the formation of a county wide school district therein; . . . etc., and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 596 on Third Reading.**

Senator Holbrook moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 596 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28.**

Aikin.	Brownlee.
Beck.	Burns.



Collie.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
Head.	Roberts.
Holbrook.	Shivers.
Isbell.	Small.
Lemens.	Spears.
Moore.	Stone.
Neal.	Van Zandt.
Nelson.	Weinert.
Newton.	Westerfeld.
Oneal.	Winfield.

Nays—1.

Hill.

Absent—Excused.

Sulak. Woodruff.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	

Absent—Excused.

Sulak. Woodruff.

#### Senate Bill No. 153 on Second Reading.

On motion of Senator Hill, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 153, A bill to be entitled "An Act to amend Article 3139 of the Revised Civil Statutes of Texas, 1925, so as to provide for the election of sixty-two members to the State Executive Committee of any political party, one man and one

woman from each senatorial district, and providing for meetings of all party State conventions for this purpose; places and times for meetings; length of sessions; election of chairman; and providing method for filling vacancies, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Hill, and by unanimous consent, Senate Rule 31a was suspended to permit consideration of the bill at this time.

The bill was then read second time and was passed to engrossment.

#### Senate Bill No. 153 on Third Reading.

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 153 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	

Absent—Excused.

Sulak. Woodruff.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin.	Head.
Beck.	Hill.
Brownlee.	Holbrook.
Burns.	Isbell.
Collie.	Lemens.
Cotten.	Moore.
Davis.	Neal.

Nelson.  
Newton.  
Oneal.  
Pace.  
Rawlings.  
Redditt.  
Roberts.  
Shivers.

Small.  
Spears.  
Stone.  
Van Zandt.  
Weinert.  
Westerfeld.  
Winfield.

Absent—Excused.

Sulak. Woodruff.

**Senate Bill No. 212 on Second Reading.**

On motion of Senator Head, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 212, A bill to be entitled "An Act amending Article 2620 of the Revised Civil Statutes of 1925, changing the name of the North Texas Junior Agricultural, Mechanical and Industrial College at Arlington to the North Texas Agricultural, Mechanical and Industrial College at Arlington; and amending Article 2621 of the Revised Civil Statutes of 1925, providing a four-year course of study for said college and declaring an emergency; and amending Article 2618 of the Revised Civil Statutes of 1925, providing for a four-year course of study for John Tarleton Agricultural College and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

(Senator Roberts in the Chair.)

The bill was then passed to engrossment.

**Senate Bill No. 212 on Third Reading.**

Senator Head moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 212 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22.

Beck.  
Brownlee.  
Burns.  
Cotten.

Head.  
Hill.  
Holbrook.  
Isbell.

Lemens.  
Moore.  
Neal.  
Nelson.  
Newton.  
Oneal.  
Rawlings.

Redditt.  
Roberts.  
Shivers.  
Stone.  
Van Zandt.  
Westerfeld.  
Winfield.

Nays—3.

Aikin.  
Davis.

Weinert.

Absent—Excused.

Collie.  
Pace.  
Small.

Spears.  
Sulak.  
Woodruff.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—15.

Brownlee.  
Burns.  
Cotten.  
Head.  
Lemens.  
Moore.  
Neal.  
Nelson.

Newton.  
Oneal.  
Rawlings.  
Redditt.  
Shivers.  
Westerfeld.  
Winfield.

Nays—9.

Aikin.  
Beck.  
Davis.  
Hill.  
Holbrook.

Isbell.  
Roberts.  
Van Zandt.  
Weinert.

Present—Not Voting.

Stone.

Absent—Excused.

Collie.  
Pace.  
Small.

Spears.  
Sulak.  
Woodruff.

**Senate Bill No. 402 on Second Reading.**

On motion of Senator Davis, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 402, A bill to be entitled "An Act to amend Chapter 184 of the Regular Session of the Forty-fourth Legislature creating the Texas National Guard Armory Board and de-

fining its powers and duties; and declaring an emergency."

(President in the Chair.)

The President laid the bill before the Senate and it was read second time.

Senator Davis offered the following amendment to the bill:

Amend the bill by striking out all after the enacting clause and inserting the following:

Section 1. That Sections 1 to 4 inclusive of Chapter 184 of the Regular Session of the Forty-fourth Legislature be and the same hereby are amended to read as follows:

"Section 1. There is hereby created the Texas National Guard Armory Board, hereinafter called the "Board" to be composed of three members. The persons acting as the members of the existing Texas National Guard Armory Board shall constitute the members of the Board under the provisions of this Act. The members of the Board shall serve without compensation, provided that the now senior ranking member shall serve for a term of six years; the next senior ranking member for a term of four years, and the junior ranking member for a term of two years. Any vacancy shall be filled by the senior active officer of the Texas National Guard, who shall serve for a term of six years, and whose name shall be certified to the Secretary of State by the Adjutant General of the State of Texas not later than fifteen days after such vacancy shall have occurred. Any such officer appointed to fill a vacancy shall qualify for office by taking and filing the constitutional oath of office with the Secretary of State. In case any officer appointed to fill any vacancy shall for any reason fail to qualify in such manner within a period of not exceeding fifteen days from the date of the certification of his name with the Secretary of State as herein provided, the Adjutant General of the State of Texas shall certify the fact to the Secretary of State together with the name of the next senior active officer of the Texas National Guard in like manner as hereinabove provided. Such appointee shall serve for the term, or the unexpired term, as the case may be, for which he is

appointed. Said Texas National Guard Armory Board shall be and is hereby constituted a body politic and corporate. The Board shall elect as Chairman the member thereof who is the senior ranking officer of the Texas National Guard, active or retired, and shall elect as Treasurer the member thereof who is the lowest ranking officer of the three persons constituting the members of said Board, and said members, so designated shall thereupon constitute the Chairman and Treasurer, respectively, of said Board. The Board shall employ a Secretary at a salary not to exceed Three Thousand Dollars (\$3,000) per year and traveling expenses.

The Board shall act by resolution adopted at a meeting thereof called and held in accordance with such by-laws or rules and regulations as the Board may adopt for the regulation of the conduct of the affairs thereof. Two members of the Board shall constitute a quorum for the transaction of business at all meetings and any action taken by two members of the Board at a meeting shall be deemed to be the action of the Board for all purpose.

"Sec. 2. It shall be the duty of the Board to select in some city convenient to the members thereof, a place for the headquarters of said Texas National Guard Armory Board. It shall be the duty of said Board to have charge of the acquisition, construction, rental, control, maintenance and operation of all Texas National Guard armories, including stables, storehouses and all other property and equipment necessary or useful in connection therewith, and said Board shall possess all powers necessary and convenient for the accomplishment of such duty, including, but without being limited thereto, the following express powers:

(a) To sue and be sued.

(b) To enter into contracts in connection with any matter within the objects, purposes or duties of the Board. The taking and tabulation of bids for work approved for bids by the Armory Board, and the supervision of construction under contracts executed by the Armory Board, and the purchase of furniture and equipment desired by said

Armory Board, shall be the duty of the State Board of Control of the State of Texas, for and on behalf of the Armory Board.

(c) To have and use a corporate seal.

(d) To employ and pay and dismiss such agents, employees and counsel as may be necessary to carry out the objects, purposes, and duties of the Board.

(e) To adopt, and from time to time to change or amend, all necessary by-laws, rules and regulations for the conduct of the business and affairs of the Board.

(f) To acquire property of any and every description whether real, personal or mix, by gift or by purchase, to convey such property, and to pledge the rents, issues and profits thereof.

(g) To acquire building sites and buildings and equipment suitable for armory purposes, by gift or purchase; to acquire building sites by gift or purchase, and to construct and equip buildings thereon, and to hold, use and convey such building sites and buildings, together with all appurtenances thereunto belonging, and all equipment located thereon, and to pledge the rents, issues, and profits thereof. All such property, together with the rents, issues and profits thereof, shall be exempt from taxation by the State of Texas or by any municipal corporation, county or other political subdivision or taxing district in the State.

(h) To borrow money, and to issue and sell bonds, debentures and other evidences of indebtedness for the purpose of acquiring building sites and buildings, and for the purpose of constructing and equipping buildings, such bonds, debentures or other evidences of indebtedness to be fully negotiable and to be payable solely from the rents, issues and profits of all of the property so acquired or constructed by the Board. Such bonds, debentures or other evidences of indebtedness may be issued in series, and if so issued all series thereof shall rank equally, without preference or priority of any one series over another, whether by reason of the date of issue or negotiation thereof or the date of maturity thereof, or for any other reason. And all such bonds, debentures or other evidences of indebtedness and

the interest thereon shall be exempt from taxation (except inheritance taxes) by the State of Texas or by any municipal corporation, county or other political subdivision or taxing district in the State. Said bonds, debentures or other evidences of indebtedness may be sold by the Board in any manner they may determine; provided that no bonds, debentures or other evidences of indebtedness shall be issued and sold at a price which will be such that the interest cost of the money received by the Board from the sale thereof will exceed six per cent (6%) per annum, computed to maturity, according to standard tables of bond values. And provided further that no bonds, debentures or other evidences of indebtedness shall be sold unless and until same shall have been approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts. Such bonds, debentures or other evidences of indebtedness shall be secured by pledge of all of the rents, issues and profits of all of the property owned by the Board, and for that purpose the Board shall have power from time to time to execute and deliver trust deeds and trust agreements whereunder any bank or trust company authorized by the laws of the State or of the United States of America to accept and execute trusts in the State may be named and act as trustee. Any such trust deed or trust agreement may contain provisions for the deposit with the trustee thereunder and the disbursement of such trustee of the proceeds of the bonds, debentures or other evidences of indebtedness issued thereunder or secured thereby, and the rents, issues, and profits of all property acquired or constructed out of such proceeds, and may also contain such provisions for the protection and enforcement of the rights and remedies of the said trustee and the holders of such bonds, debentures or other evidences of indebtedness as the Board may approve, including provisions for the acceleration of the maturity of any such bonds, debentures or other evidences of indebtedness upon default by the Board in the performance or observance of any of the covenants or provisions of such bonds, debentures or other evidences of indebtedness or of the trust deed or trust agreement whereunder

the same are issued or secured. Any such trust deed or trust agreement shall provide that all bonds, debentures or other evidences of indebtedness issued at any time thereunder shall be equally secured thereby but any such trust deed or trust agreement may contain and impose upon the Board limitations and conditions governing the right of the Board to issue additional bonds, debentures or other evidences of indebtedness. All such bonds, debentures or other evidences of indebtedness shall be signed by the Chairman of the Board, countersigned by the Treasurer thereof, and the corporate seal of the Board shall be thereto affixed, and such seal attested by the Secretary of the Board, and in case any officer of the Board who shall have signed or attested any such bond, debenture or other evidence of indebtedness shall cease to be such officer before such bond, debenture or other evidence of indebtedness shall have been actually issued by the Board, such bond, debenture or other evidence of indebtedness may nevertheless be validly issued by the Board. Such bonds, debentures or other evidences of indebtedness may be issued in fully registered form without interest coupons, or in coupon form registerable as to principal only, or in bearer form with coupons attached. All of such coupons shall be authenticated by the facsimile signature of the Treasurer of the Board; and

(i) To execute and deliver leases demising and leasing to the State of Texas through the Adjutant General for such lawful term as may be determined by the Board, any building or buildings and the equipment therein and the site or sites therefor, to be used for armory and other proper purposes, and to renew such leases from time to time; provided, however, that if at any time the State of Texas shall fail or refuse to pay the rental reserved in any such lease, or shall fail or refuse to lease any such building and site, or to renew any existing lease thereon at the rental provided to be paid, then the Board shall have the power to rent such building and equipment and the site therefor to any person or entity and upon such terms as the Board may determine. The law requiring notice and competitive bids shall not apply to leasing of such property. The annual rental (which

may be made payable in such installments as the Board shall determine) to be charged the State of Texas for the use of such property leased to it by the Board shall be sufficient to provide for the operation and maintenance of the property so leased, to pay the interest on the bonds, debentures or other evidences of indebtedness issued for the purpose of acquiring, constructing or equipping such property, to provide for the retirement of such bonds, debentures or other evidences of indebtedness, and the payment of the expenses incident to the issuance thereof, as well as the necessary and proper administrative expenses of the Board. Every such lease shall expressly provide that the rights of the lessee thereunder, whether the lessee be the State of Texas or any other person or entity, shall be expressly subject and subordinate to the lien of any trust deed or trust agreement made by the Board (either before or after the date of delivery or recordation of such lease) and pledging the rents, issues and profits of such property.

"Sec. 3. As and when the property owned by the Board shall be fully paid for, free of all liens, charges and encumbrances, and all debts and other obligations incurred in connection with the acquisition or construction of property have been fully paid, the Board shall donate, transfer and convey such property, by appropriate instruments of transfer and conveyance, to the State of Texas, and such instruments of transfer and conveyance shall be kept in the custody of the Adjutant General's Department.

"Sec. 4. The Board shall cause to be kept accurate minutes of its meetings and accurate records and books of account in conformity with approved methods of bookkeeping, clearly reflecting the income and expenses of the Board and all transactions in relation to its property. In the execution and administration of objects and purposes herein set forth, the Board shall have power to adopt means and methods reasonably calculated to accomplish such objects and purposes and this Act shall be construed liberally in order to effectuate such objects and purposes."

Sec. 2. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality

shall not affect the validity of the remaining parts of this Act. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 3. The fact that it is essential that the existing law relative to Texas National Guard armories be amended so as to authorize and permit the immediate issuance of securities to obtain funds for construction and acquisition of armories and thereby take advantage of grants and loans from the Federal Government and others for armory purposes, creates an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days in each House be suspended and said rule is hereby suspended and this Act shall take effect and be in force from and after the date of its passage and it is so enacted.

And amend caption to conform.

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 402 by striking out all of line 41, page 1, and line 42 after the word salary and insert in lieu thereof the following:

"Which shall be fixed by the appropriations bill by the Legislature."

The amendment was adopted.

S. B. No. 402 was passed to engrossment.

#### Senate Bill No. 402 on Third Reading.

Senator Davis moved to suspend the constitutional rule requiring bills to be read on three several days and that S. B. No. 402 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26.

Aikin.	Lemens.
Beck.	Moore.
Brownlee.	Neal.
Burns.	Nelson.
Collie.	Newton.
Cotten.	Oneal.
Davis.	Rawlings.
Head.	Redditt.
Hill.	Roberts.
Holbrook.	Shivers.
Isbell.	Stone.

Van Zandt.	Westerfeld.
Weinert.	Winfield.

Absent—Excused.

Pace.	Sulak.
Small.	Woodruff.
Spears.	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26.

Aikin.	Neal.
Beck.	Nelson.
Brownlee.	Newton.
Burns.	Oneal.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.

Absent—Excused.

Pace.	Sulak.
Small.	Woodruff.
Spears.	

#### Senate Bill No. 284 on Second Reading.

On motion of Senator Lemens and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 284, A bill to be entitled "An Act providing for the creation of corporations for the purpose of establishing, maintaining, operating and engaging in the business of grading, constructing of terraces and drainage structures and all other forms of dirt construction work, and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Lemens offered the following amendment to the bill:

Amend S. B. No. 284, page 1, line 12, by inserting a "comma" between the words "maintain" and "operate."

The amendment was adopted.  
S. B. No. 284 was then passed to engrossment.

**Senate Bill No. 284 on Third Reading.**

Senator Lemens moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 284 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26.

Aikin.	Neal.
Beck.	Nelson.
Brownlee.	Newton.
Burns.	Oneal.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.

Absent—Excused.

Pace.	Sulak.
Small.	Woodruff.
Spears.	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26.

Aikin.	Neal.
Beck.	Nelson.
Brownlee.	Oneal.
Burns.	Newton.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.

Absent—Excused.

Pace.	Sulak.
Small.	Woodruff.
Spears.	

**Senate Bill No. 393 on Second Reading.**

On motion of Senator Cotten and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 393, A bill to be entitled "An Act making an emergency appropriation to the State Health Department out of the general fund in the State Treasury, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

**Senate Bill No. 393 on Third Reading.**

Senator Cotten moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 393 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26.

Aikin	Neal
Beck	Nelson
Brownlee	Newton
Burns	Oneal
Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Stone
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield

Absent—Excused.

Pace	Sulak
Small	Woodruff
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26.

Aikin	Cotten
Beck	Davis
Brownlee	Head
Burns	Hill
Collie	Holbrook

Isbell	Redditt
Lemens	Roberts
Moore	Shivers
Neal	Stone
Nelson	Van Zandt
Newton	Weinert
Oneal	Westerfeld
Rawlings	Winfield

Absent—Excused.

Pace	Sulak
Small	Woodruff
Spears	

**Senate Bill No. 465 on Second Reading.**

On motion of Senator Burns and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 465, A bill to be entitled "An Act amending subdivision 3 of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, as amended, Acts 1929, Forty-first Legislature, First Called Session, and providing for changing and prescribing term and times of holding the courts in the Third Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the terms of court in the several counties in said district as herein fixed; to validate the summoning of grand and petit jurors under the present law so as to render them available under the present Act; to repeal all laws and parts of laws in conflict herewith; providing for and declaring an emergency, and providing time for this Act to take effect."

The President laid the bill before the Senate.

On motion of Senator Burns and by unanimous consent, the Senate rules requiring printed copies of a bill to be on the desks of Senators 24 hours before consideration of the bill and requiring a report on a bill to lie over one day before consideration of the bill were suspended severally, to permit consideration of the bill at this time.

The bill was then read second time and was passed to engrossment.

**Senate Bill No. 465 on Third Reading.**

Senator Burns moved that the con-

stitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 465 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26.

Collie.	Neal.
Aikin.	Nelson.
Beck.	Newton.
Brownlee.	Oneal.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.

Absent—Excused.

Pace.	Sulak.
Small.	Woodruff.
Spears.	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26.

Aikin.	Neal.
Beck.	Nelson.
Brownlee.	Newton.
Burns.	Oneal.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.

Absent—Excused.

Pace.	Sulak.
Small.	Woodruff.
Spears.	

**House Bill No. 659 on Second Reading.**

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:



H. B. No. 659, A bill to be entitled "An Act defining livestock auction commission merchants, prescribing their duties as such livestock auction commission merchants, requiring them to give bond in a solvent surety company authorized to do business in this State, with a capital stock of not less than \$500,000, such bond to be approved by the county judge of such county; to require such livestock auction commission merchants to keep an accurate description of the livestock so sold by them at auction, giving marks and brands thereof, if any; to make quarterly reports to the commissioners' court of the county in which they carry on such business, and providing penalties therefor, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

#### House Bill No. 659 on Third Reading.

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 659 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—26.

Aikin.	Neal.
Beck.	Nelson.
Brownlee.	Newton.
Burns.	Oneal.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.

#### Absent—Excused.

Pace.	Sulak.
Small.	Woodruff.
Spears.	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—26.

Aikin.	Neal.
Beck.	Nelson.
Brownlee.	Newton.
Burns.	Oneal.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.

#### Absent—Excused.

Pace.	Sulak.
Small.	Woodruff.
Spears.	

#### House Bill No. 765 on Second Reading.

On motion of Senator Burns, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 765, A bill to be entitled "An Act amending Article 2350 by adding thereto another section to be designated as Article 2350 (4), providing for the salaries of members of the commissioners' court in counties with a population bracket of between sixteen thousand (16,000) and sixteen thousand and forty (16,040), and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Burns, by unanimous consent, the Senate rules requiring printed copies of a bill to be on the desks of Senators 24 hours before consideration of the bill and requiring a report on a bill to lie over one day before consideration of the bill were suspended severally to permit consideration of the bill at this time.

The bill was read second time.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 765, Section 1, Sub-section 4, by striking out the words and figures "sixteen thousand (16,000)" wherever they appear and words and figures "sixteen thousand

and forty (16,040)," and substituting in lieu thereof the following:

The words and figures "Seventy-seven thousand and five hundred (77,500)" and "Seventy-seven thousand six hundred (77,600)" in the proper places wherever they appear.

BECK.

The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 765 by adding a new section thereto to be known as Section 1A, and to read as follows:

Section 1A. That the salaries and compensation of the county commissioners in counties with a taxable valuation of not less than thirty million (\$30,000,000.00) dollars, nor more than forty million (\$40,000,000.00) dollars according to the tax rolls as prepared by the assessor and collector of taxes of the respective counties for the preceding year, and having within their boundaries two incorporated cities of more than thirteen thousand five hundred (13,500) population each according to the last Federal Census, shall be not to exceed two thousand four hundred (\$2,400.00) dollars annually, payable in equal monthly installments; and in addition to their regular salaries each of such commissioners shall receive their actual and necessary expenses incurred in the conduct of their office in an amount not to exceed fifty (\$50.00) dollars per month, payable from the road and bridge fund of such counties on sworn claims, and approved by the county auditor of such counties.

The amendment was adopted.

Senator Winfield offered the following amendment to the bill:

Amend H. B. No. 765 by adding a new Section, as follows:

"Section \_\_\_\_ That the salaries and compensation of each of the county commissioners in counties having a taxable valuation of not less than Forty-seven Million (\$47,000,000) Dollars, according to the last available approved tax rolls for such counties, and having a population of not more than Seven Thousand Eight Hundred and Twenty-five (7,825), according to the last Federal Census, shall be not to exceed Three Thousand Six Hundred (\$3,600.00) Dol-

lars per annum, payable in equal monthly installments."

The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend the caption to conform to the bill as amended.

The amendment was adopted.

The bill was then passed to third reading.

#### House Bill No. 765 on Third Reading.

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 765 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—26.

Aikin.	Neal.
Beck.	Nelson.
Brownlee.	Newton.
Burns.	Oneal.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.

#### Absent—Excused.

Pace.	Sulak.
Small.	Woodruff.
Spears.	

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—26.

Aikin.	Isbell.
Beck.	Lemens.
Brownlee.	Moore.
Burns.	Neal.
Collie.	Nelson.
Cotten.	Newton.
Davis.	Oneal.
Head.	Rawlings.
Hill.	Redditt.
Holbrook.	Roberts.

Shivers.	Weinert.
Stone.	Westerfeld.
Van Zandt.	Winfield.

Absent—Excused.

Pace.	Sulak.
Small.	Woodruff.
Spears.	

**House Bill No. 449 on Second Reading.**

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 449, A bill to be entitled "An Act amending Article I, Chapter 467, Section 24 of the Acts of the Forty-fourth Legislature, 1935, Second Called Session, so as to extend the provisions thereof to authorize cities to prohibit by their charters, the sale of liquors and beer in their residence sections, or any other part thereof and that same shall be valid and remain in force and effect until such time as the charter provisions may be repealed or amended; and by adding thereto a Section to be known as Section 24b; providing a penalty against all persons who shall sell liquors or beer in districts in cities in which the same has been prohibited; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 449 on Third Reading.**

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 449 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26.

Aikin.	Davis.
Beck.	Head.
Brownlee.	Hill.
Burns.	Holbrook.
Collie.	Isbell.
Cotten.	Lemens.

Moore.	Roberts.
Neal.	Shivers.
Nelson.	Stone.
Newton.	Van Zandt.
Oneal.	Weinert.
Rawlings.	Westerfeld.
Redditt.	Winfield.

Absent—Excused.

Pace.	Sulak.
Small.	Woodruff.
Spears.	

The President then laid H. B. No. 449 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26.

Aikin	Neal
Beck	Nelson
Brownlee	Newton
Burns	Oneal
Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Stone
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield

Absent—Excused.

Pace	Sulak
Small	Woodruff
Spears	

**Senate Bill No. 207 on Second Reading.**

On motion of Senator Oneal and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 207, A bill to be entitled "An Act defining the phrase, 'Served by the sheriff to appear and report for jury service,' as used in Article 2101 of Chapter 7, Title 42, R. S. 1925, so as to authorize the judge drawing the jury to direct that said service may also be made by sending each juror a letter by United States registered mail, notifying him of his jury service; and declaring an emergency."

The President laid the bill before

the Senate and it was read second time.

Senator Oneal offered the following amendments to the bill:

(1)

Amend S. B. No. 207 by striking out of line 2 of section 1 the words "Article 2101 of"

(2)

Amend S. B. No. 207 by adding immediately after the word "wheel," in line 25 of the printed bill the following:

"or the address shown by the last assessment roll of the county"

(3)

Amend the caption to conform.

The amendments were adopted severally.

S. B. No. 207 was then passed to engrossment.

#### Senate Bill No. 207 on Third Reading.

Senator Oneal moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 207 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26.

Aikin	Neal
Beck	Nelson
Brownlee	Newton
Burns	Oneal
Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Stone
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield

Absent—Excused.

Pace	Sulak
Small	Woodruff
Spears	

The President then laid S. B. No. 207 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—26.

Aikin	Neal
Beck	Nelson
Brownlee	Newton
Burns	Oneal
Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Stone
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield

Absent—Excused.

Pace	Sulak
Small	Woodruff
Spears	

#### Adjournment.

On motion of Senator Weinert, the Senate, at 10:15 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

#### APPENDIX.

##### Bills Filed in Department of State.

Austin, Texas, April 12, 1937.

Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a list of bills and resolutions passed by the Forty-fifth Legislature which were filed in this office Saturday, April 10, 1937:

S. B. No. 430:

Vote in Senate, yeas 29, nays 0.

Vote in House, yeas 124, nays 0.

Date signed by the Governor, April 10, 1937.

S. B. No. 431:

Vote in Senate, yeas 29, nays 0.

Vote in House, yeas 120, nays 0.

Date signed by the Governor, April 10, 1937.

S. B. No. 432:

Vote in Senate, yeas 29, nays 0.

Vote in House, yeas 122, nays 0.

Date signed by the Governor, April 10, 1937.

H. C. R. No. 91:

Vote in Senate, viva voce.

Vote in House, viva voce.  
Date signed by the Governor,  
April 9, 1937.

H. J. R. No. 20:  
Vote in Senate, yeas 30, nays 0.  
Vote in House, yeas 105, nays 3.  
Date signed by the Governor,  
April 9, 1937.

Assuring you of my sincere pleasure in performing this service, I am  
Yours very truly,

EDWARD CLARK,  
Secretary of State.

By: M. E. SANDLIN,  
Assistant Secretary of State.

#### Reports of Standing Committees.

Committee Room,  
Austin, Texas, April 12, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 847, A bill to be entitled "An Act making a supplemental appropriation out of the General Revenue of the State of Texas for the Department of the State Auditor and Efficiency. Expert; to pay the salaries of temporarily employed auditors and for office stationery and supplies; for the State Park Board; for the State Service Officer; for the Department of Public Safety, for the support and maintenance of the Bureau of Identification and Records and of the Intelligence Bureau of said department; and for the State Treasury Department; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the committee substitute in lieu thereof do pass, and be printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, April 12, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 204, A bill to be entitled "An Act making an appropriation of the sum of \$611,672.28, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated to pay the

apportionment for the period now due and to be due for the balance of the State fiscal year ending August 31, 1937, to all counties in which the county officers are compensated on the basis of a salary, as provided for in Section 6 of S. B. No. 5, enacted at the Second Called Session of the Forty-fourth Legislature."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendment No. 1, and be printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, April 12, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1009, A bill to be entitled "An Act to authorize the Board of Directors of the Agricultural and Mechanical College of Texas to establish and maintain a horticultural and agricultural experiment station at some point within the limits of the El Paso irrigated valley in the State of Texas for the purpose of making scientific investigations and experiments in the production of cotton, alfalfa, and farm crops, and of fruits, berries, grapes, nuts, and vegetables and for the development of information as to the best methods of management and use of irrigated soils and irrigation waters, and for conducting scientific experiments in poultry raising, dairying, animal husbandry, and bee culture; and of studying other impending horticultural and agricultural problems of that area; authorizing said Board of directors to acquire a suitable site therefor, and to accept donations of land and money for said purpose, also irrigation water; providing that such experiment station shall be under the supervision of said Board of Directors, and providing that unless donations of land with available irrigation water or money for the purchase of same sufficient for such experiment station are made for said purposes, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with

the recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, April 12, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 274, A bill to be entitled "An Act granting permission to the State Superintendent of Public Instruction and to the State Board of Education to use a sum not to exceed One Hundred and Fifty Thousand (\$150,000.00) Dollars of the amount appropriated in the Equalization Bill, same being H. B. No. 327, Regular Session, Forty-fourth Legislature, for the years 1936 and 1937, in the payment of approved claims for high school tuition of certain school districts in order to bring all payments to eighty-seven per cent for the year 1935 and 1936, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, April 12, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 142, A bill to be entitled "An Act amending Section 36 of H. B. No. 521, of the Regular Session of the Forty-fourth Legislature so as to appropriate all fees collected thereunder for the use of the Secretary of State in enforcing said bill, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, April 12, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 615, A bill to be entitled "An Act making an emergency ap-

propriation to pay court costs accrued and cost of printing State brief in the case of State of Texas versus Atlantic Oil Producing Company, et al, No. 53453, which case was tried in the District Court of Travis County and is now on appeal in the Court of Civil Appeals, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, April 12, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 141, A bill to be entitled "An Act making certain emergency appropriations for the office of the Secretary of State, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, April 12, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 159, A bill to be entitled "An Act authorizing the State Board of Health to divide the State into 12 or more Health Districts and to employ certain named employees and making an appropriation for the support and maintenance of said districts and payment of salaries of employees, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute in lieu thereof do pass and be printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, April 6, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 203, A bill to be entitled "An Act amending Article 2843, Title No. 49, Chapter 16, Revised Civil Statutes of 1925, authorizing the increase or decrease in the list of subjects for which free textbooks are adopted; providing that the State Board of Education shall adopt textbooks for high school subjects on a multiple list basis when one hundred or more first-class high schools are affiliated in the subjects; providing that the State Board of Education may adopt free textbooks in a subject when less than one hundred first-class high schools are affiliated in the subject when the State course of study and popular demand justify it; providing that a book or books may be adopted for high schools which combine two or more of the existing high school subjects provided no existing high school subject is omitted by such a combination; providing that the State Board of Education may also, if deemed necessary, adopt a book or books in music and in science for the elementary grades; and providing further that a book or books may be adopted in the elementary grades which combine two or more of the subjects herein listed and that no subject herein listed is hereby omitted through such a combination; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, April 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 627, A bill to be entitled "An Act creating a closed season upon wild deer, buck, doe, or fawn for a period of five (5) years in the County of Polk, in the State of Texas; making it unlawful for any person to hunt, trap, ensnare, kill, or attempt to kill, by any means whatsoever, any wild deer, buck, doe, or fawn within said county, for a period of five (5) years; providing a penalty therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, April 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 896, A bill to be entitled "An Act making it unlawful to use any seine, net, gill net, trot line, or other mechanical or physical device, except hook and line, for the purpose of fishing within the waters of certain navigation districts in Texas; providing that possession of such devices on the right of way or lands or premises of such navigation districts shall constitute prima facie proof of guilt; providing for the punishment of persons violating the provisions hereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, April 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1028, A bill to be entitled "An Act prohibiting the taking of certain fish in the waters of Travis County during the months of February, March and April; providing means, methods, and devices, for taking fish; providing size limits, bag limits, and possession limits; permitting the use of seines and nets for certain species; prohibiting the sale, or the taking for the purpose of selling, of any fish taken from the waters of Travis County; providing a penalty for violation of this Act; repealing all laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with

the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,  
Austin, Texas, April 13, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 465, A bill to be entitled "An Act amending subdivision 3 of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, as amended, Acts 1929, Forty-first Legislature, First Called Session, and providing for changing and prescribing terms and times of holding the courts in the Third Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the terms of court in the several counties in said district as herein fixed; to validate the summoning of grand and petit jurors under the present law so as to render them available under the present Act; to repeal all laws and parts of laws in conflict herewith; providing for and declaring an emergency, and providing time for this Act to take effect."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Vice Chairman.

Committee Room,  
Austin, Texas, April 13, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 335, A bill to be entitled "An Act to amend Section 11, Article 8306, Title 130, Revised Civil Statutes 1925, and declaring an emergency."

Have had the same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLLIE, Chairman.

Committee Room,  
Austin, Texas, April 13, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 84, A bill to be entitled "An Act to provide, with approval of court, the purchase by guardian of life insurance and/or annuity contracts for benefit of his or her ward; and further amending Articles 4180 of the Revised Civil Statutes of the State of Texas, 1925, Acts 1929, Forty-first Legislature, Chapter 305, page 684, paragraph 1, relating to the investment of surplus funds of ward in the hands of guardians, or loan same, designating certain investments that may be made, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the committee substitute in lieu thereof do pass and be printed.

COLLIE, Chairman.

Committee Room,  
Austin, Texas, April 13, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 343 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,  
Austin, Texas, April 13, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 337 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.